

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHNNIE LEE SMITH,	)	
	)	
Petitioner,	)	Civil Action No. 08-1311
	)	
v.	)	Judge Lancaster
	)	Magistrate Judge Bissoon
BRIAN V. COLEMAN,	)	
	)	
Respondent.	)	

MEMORANDUM ORDER

Johnnie Lee Smith's petition for writ of habeas corpus was received by the the Clerk of Court on September 19, 2008, and was referred to United States Magistrate Judge Cathy S. Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.


The Magistrate Judge's Report and Recommendation, filed on April 14, 2009, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Smith be dismissed as a second or successive petition which requires prior approval from the Court of Appeals. The parties were allowed ten days from the date of service to file objections. Smith filed objections on April 21, 2009.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 12<sup>th</sup> day of May, 2009,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Johnnie Lee Smith is dismissed.

The Report and Recommendation of Magistrate Judge Bissoon, (Doc. 19), dated April 14, 2009, is adopted as the opinion of the court.



---

Gary L. Lancaster  
U.S. District Court Judge

cc:  
JOHNNIE LEE SMITH  
AC-8935  
SCI Fayette  
50 Overlook Drive  
LaBelle, PA 15450